IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

SECOND APPEAL NO.1175 OF 2004
WITH
CIVIL APPLICATION NO.1570 OF 2004

Sarjerao Sakharam Patil & Ors. ...Appellants.
Vs.
Ananda Mahadeo Patil & Ors. ...Respondents.

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Mr. Dushyant Sakhare i/b. Smt.Varsha Palav for the Appellants.
Mr. Rahul P. walvekar i/b. Mr. D.S. Sawant for Respondent Nos.1 to 4.

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CORAM :DR.D.Y.CHANDRACHUD, J.
July 10, 2007.

P.C.:

There is concurrent finding of both the Courts below that there was an encroachment to the extent of 30 Ares by Defendants Nos.1 to 5, namely the Appellants herein, and a decree for possession has been passed. The Trial Court has, in fact, noted that in the Written Statement the Appellants had expressly denied that the measurement of block No.846 was carried out and that the Appellants herein were accordingly estopped from claiming to the contrary. The Appellate Court has dealt with the cross-examination of the DILR in para 11 of the judgment. Purely disputed questions of

fact are sought to be raised in the Second Appeal. No substantial question of law arises. The Second Appeal is dismissed.

In view of the disposal of the Second Appeal, the Civil Application does not survive and is accordingly disposed of.

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